United Nations S/2012/950

Security Council

Distr.: General
21 December 2012

Original: English

Letter dated 20 December 2012 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

With regard to the issue of Kuwaiti missing persons and property, we wish to bring to the attention of the members of the Security Council the following documents: the letter dated 5 July 2011 from Mr. Hoshyar Zebari, Minister for Foreign Affairs of the Republic of Iraq, addressed to the Secretary-General (see S/2011/568, annex) regarding the termination of the mandate of the High-level Coordinator on the issue of Kuwaiti missing persons and property, as well as his letter dated 18 June 2012 addressed to the Secretary-General (see S/2012/931, annex III, enclosure), containing the suggestion that the file on the issue of Kuwaiti missing persons and property should be governed by the provisions of Chapter VI, rather than those of Chapter VII of the Charter, and that it should be managed by a joint bilateral committee; the letter dated 14 July 2012 from the Deputy Prime Minister and Minister for Foreign Affairs of the State of Kuwait addressed to the Minister for Foreign Affairs of Iraq (see annex), in which he explicitly stated Kuwait's agreement with the proposal that the file on Kuwaiti missing persons and property be governed by the provisions of Chapter VI of the Charter, pursuant to a resolution to be adopted by the Security Council; and the thirty-fourth report of the Secretary-General pursuant to paragraph 14 of resolution 1284 (1999) (S/2012/931), paragraph 25, in which the Secretary-General stated, "I am considering several options. These include asking the United Nations Assistance Mission for Iraq (UNAMI) to fulfil this role, an approach both parties noted was acceptable to them".

On the basis of the positive developments in Iraqi-Kuwaiti relations and the sustained fulfilment by Iraq of its obligations pursuant to the Security Council resolutions regarding the relations between Iraq and Kuwait — the most recent being the arrival of the technical representatives of the Government of Iraq in Kuwait to join the United Nations in initiating the third stage of the Iraq-Kuwait boundary maintenance project on 17 December — the Government of Iraq reaffirms its commitment to continue the search for missing Kuwaitis and its keenness to resolve this humanitarian and emotional issue, which is of great importance to Kuwaiti families. It reaffirms its support for the proposal that the file on Kuwaiti missing persons and property be governed by the provisions of Chapter VI of the Charter and be managed by a bilateral joint committee or by a Representative of the Secretary-General assigned to that purpose. My Government reiterates that such a step would facilitate the closing of this file as well as the achievement of the goals of Security Council resolution 1284 (1999).

12-66333 (E) 271212 020113

Please recycle

It would be highly appreciated if the present letter and its annex were brought to the attention of the members of the Security Council and circulated as a document of the Security Council.

(*Signed*) T. Hamid **Al Bayati**
Ambassador
Permanent Representative

Annex to the letter dated 20 Decemher 2012 from the Permanent Representative of Iraq to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Firstly, I should like to express my very best wishes for your good health and for the advancement of the fraternal Republic of Iraq and its people. I congratulate you on the imminent beginning of the holy month of Ramadan and hope that it will bring blessings to us all.

The Permanent Representative of Kuwait to the United Nations in New York has informed me of the tenor and essence of the meeting he had on 3 July 2012 with Mr. Hamid Al Bayati, the Permanent Representative of the Republic of Iraq to the United Nations in New York, at which they discussed, among the matters of concern to both countries, the efforts that you are exerting with a view to being exempted from the provisions of Chapter VII of the Charter of the United Nations, while the file should remain under the supervision of the United Nations; the question of the continuation of the mandate of the High-level Coordinator on the issue of Kuwaiti missing persons and property or whether that file should be transferred to the United Nations Assistance Mission for Iraq (UNAMI); and whether that file should be governed by the provisions of Chapter VI, pursuant to a Security Council resolution that could be adopted in December 2012.

In this context, I should like to express my satisfaction with that proposal, which accords with the aspirations of both countries and their endeavours in that regard. Kuwait, as you know, has on many occasions expressed its willingness to assist Iraq in being exempted from the provisions of Chapter VII, by applying the relevant Security Council resolutions. The bilateral cooperation that has taken place at the regular bilateral meetings of the joint high-level Kuwaiti-Iraqi ministerial committee, and most recently in Baghdad on 29 April 2012, has produced a convergence of views and a shared determination to work towards exempting Iraq from the provisions of Chapter VII.

I reiterate my satisfaction with the positive attitude expressed by Iraq, which will be reflected in the letters that we shall address to the United Nations Secretary-General and the President of the Security Council, and hope that they will assist in achieving your aspirations.

In conclusion, I should like to express my pleasure in the relations between our countries in various areas, which have perceptibly advanced, as evinced by the visits that have been exchanged at the highest levels and the consensus on concluding various outstanding issues.

Accept, Sir, the assurances of my highest consideration.

(*Signed*) Sabah Al-Khaled Al Hamad **Al Sabah**
Deputy Prime Minister, Minister for Foreign Affairs and
State Minister for Council of Ministers Affairs of the State of Kuwait

---

Hoshyar Zebari
Minister for Foreign Affairs of the Republic of Iraq